

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

In re: BRIDGESTONE/FIRESTONE, INC., )  
TIRES PRODUCTS LIABILITY ACTION )

Master File No. IP IP00-9374-C-B/S  
MDL No. 1373

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This Document Relates to: )

ANTONIO GUEVARA MENDOZA, et al. )

v. )

Case No. IP 04-5797-C-B/S

BRIDGESTONE/FIRESTONE, INC., et al., )  
\_\_\_\_\_ )

ROSA VIDRIO CALVO, et al., )

v. )

Case No. IP 04-5798-C-B/S

BRIDGESTONE/FIRESTONE, INC., et al. )  
\_\_\_\_\_ )

MARISOL GOMEZ LOPEZ, et al., )

v. )

Case No. IP 04-5799-C-B/S

BRIDGESTONE/FIRESTONE, INC., et al. )  
\_\_\_\_\_ )

ROBERTO ACENLO VALLE, et al., )

v. )

Case No. IP 04-5800-C-B/S

BRIDGESTONE/FIRESTONE, INC. et al. )  
\_\_\_\_\_ )  
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)  
)  
)

ESTEBAN QUIJANO BONFIL, et al.,	)	
	)	
v.	)	Case No. IP 04-5801-C-B/S
	)	
BRIDGESTONE/FIRESTONE, INC. et al.	)	
_____	)	
	)	
OLIVER FLORES BARENO, et al.,	)	
	)	
v.	)	Case No. IP 04-5802-C-B/S
	)	
BRIDGESTONE/FIRESTONE, INC. et al.	)	
_____	)	
	)	
PATRICIA MORALES CRUZ, et al.,	)	
	)	
v.	)	Case No. IP 04-5804-C-B/S
	)	
FIRESTONE, INC., et al.,	)	
_____	)	
	)	
LOURDES LIZBETH MEDIVIL	)	
GALAVIZ, et al.	)	
	)	
v.	)	Case No. IP 04-5810-C-B/S
	)	
BRIDGESTONE/FIRESTONE, INC., et al.	)	
_____	)	
	)	
GERMAN HERNANDEZ GARCIA, et al.,	)	
	)	
v.	)	Case No. IP 04-5819-C-B/S
	)	
BRIDGESTONE/FIRESTONE, INC., et al.	)	

### **ORDER TO SHOW CAUSE**

In the nine above referenced cases (hereinafter referred to as Mendoza, Calvo,

Lopez, Valle, Bonfil, Bareno, Cruz, Galaviz, and Garcia), the Defendants, Bridgestone Firestone North American Tire, LLC, successor to Bridgestone/Firestone, Inc.

(“Firestone”),<sup>1</sup> and Ford Motor Company (“Ford”),<sup>2</sup> have moved to dismiss each case based upon the doctrine of *forum non conveniens*. Each of these cases involves accidents that occurred on roadways in Mexico.<sup>3</sup>

On February 27, 2004, we granted Defendants’ Motion to Dismiss Mexican Accident Cases on *Forum Non Conveniens* Grounds as to plaintiff Sofia Lopez de Manez. In re Bridgestone/Firestone, Inc., 305 F. Supp. 2d 927 (S.D. Ind. 2004). This order was thereafter appealed to the Seventh Circuit and, following briefing and oral arguments, the Lopez de Manez case which had otherwise “look[ed] like an easy candidate for a

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<sup>1</sup> Firestone “moves this Court for an order allowing Firestone to adopt and join all previous filings supporting the various Motions to Dismiss Mexican Accident Cases on *Forum Non Conveniens* Grounds and to apply them to these cases. . . .” Motion to Adopt at 3 [MD 3638]. A ruling on this “Motion to Adopt and Join all Previous Filings Relating to *Forum Non Conveniens* and Request for Judicial Notice Thereof” is premature, particularly since it also ultimately requests dismissals of these cases.

<sup>2</sup> On July 22, 2004, Ford Adopted “Firestone’s Previous Motion to Dismiss Mexican Accident Cases on *Forum Non Conveniens*” Grounds. [MD 2436, relating to Bareno, Bonfil, Calvo, Lopez, Mendoza, and Valle]. On August 9, 2004, Ford filed a Motion to Dismiss for *Forum Non Conveniens* in the Rodriguez case. [MD 2463]. In addition on September 8, 2004, Ford filed a “Joinder in Firestone’s Motion to Adopt Ford and Firestone’s Previous Motion to Dismiss Mexican Accident Cases on *Forum Non Conveniens* Grounds” [MD 2531, specifically adding Bareno and Bonfil]. On January 18, 2005, Ford filed Briefs in Support of its Motion to Dismiss for *Forum Non Conveniens* in the Cruz, Valle and Lopez cases [MD 2805, 2806, and 2807], and a day later on January 19, 2005, Ford filed Briefs in Support of its Motion to Dismiss for *Forum Non Conveniens* in both the Cruz and Mendoza cases. [MD 2809 and 2808]. Similarly, Ford filed a motion to dismiss the Garcia case on the grounds of *forum non conveniens*. [MD 3142, MD 3161.]

<sup>3</sup> Pl.’s Resp. in Opp., MD 25500 at 1 (relating to Mendoza, Calvo, Lopez, Valle, Bonfil and Bareno.); Ford’s Motion to Dismiss at 1, MD 3142 (relating to Garcia); Pl.’s Resp. at 7, MD 2835 (relating to Cruz).

straightforward affirmance,” was remanded for additional consideration of two specific issues<sup>4</sup> based upon plaintiffs’ lawsuit filed in Morelos, Mexico and their resultant contention that Mexico had been determined to be not an available forum. 420 F.3d 702 (7th Cir. 2005).

On November 14, 2006, we ruled that the Morelos, Mexico judicial decisions were not obtained by Plaintiffs in good faith, but rather through fraud, and that accordingly they are not entitled to recognition in United States courts. On this basis, we reinstated our initial order of dismissal of Plaintiffs’ complaint on *forum non conveniens* grounds. See Sopfia Lopez de Manez, IP03-5790-C-B/S, at 4, Docket No. 130 (Nov. 14, 2006) and 133 (Nov. 20, 2006). Further, on December 18, 2006, we ordered sanctions against Plaintiffs’ lawyers for their unreasonable and vexatious multiplication of proceedings in this case. In addition, we ordered Dr. Leonel Pereznieto, plaintiff’s Mexican counsel, to pay a personal monetary sanction.<sup>5</sup>

Plaintiffs Mendoza, Calvo, Lopez, Valle, Bonfil, Bareno, Cruz, Galaviz, and Garcia are hereby directed to take notice of these decisions in the Sofia Lopez de Manez case and to SHOW CAUSE why their cases should not similarly be dismissed on *forum*

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<sup>4</sup> Specifically, we were asked to decide: 1) were the plaintiffs’ actions in Mexico taken in good faith?; and 2) are the Mexican court decisions entitled to recognition here?

<sup>5</sup> Until the time that the sanction is paid in full, Leonel Pereznieto is prohibited from providing any testimony, either written or oral, against any defendant in this cause in any United States court. Further, we have stricken any and all sworn assertions reflecting Dr. Pereznieto’s views or opinions, whether made by him directly or indirectly, and we shall not consider as precedent or authority any case where his testimony is relied upon as a justification for the court’s opinion.

*non conveniens* grounds. Plaintiffs are allowed fifteen days (15) from the date this order is docketed to respond to this order. A failure to respond will be interpreted as an accession to the court's prior dismissal order and will result in the dismissal of any such cause as well. IT IS SO ORDERED.

Date: \_\_\_\_\_

\_\_\_\_\_  
SARAH EVANS BARKER, JUDGE  
United States District Court  
Southern District of Indiana

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